

**Notice of Allowability**

Application No.

10/743,110

Examiner

Kim-Kwok CHU

Applicant(s)

ARAI ET AL.

Art Unit

2627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment & Terminal Disclaimer filed on August 31, 2006.
2. ☒ The allowed claim(s) is/are 1, 7-10, 13-15, 19, 137, 138, 25, 26, 50, 62, 65, 68, 76, 141-149, 77, 84-87, 90-92, 96, 139, 140, 102, 40, 41, 128, 134, 150-158, 135 and 136 Which are renumbered as 1-54 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/487,928.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

***Allowable Subject Matter***

1. Claims 1, 7-10, 13-15, 19, 25, 26, 50, 62, 65, 68, 76, 77, 84-87, 90-92, 92, 96, 102, 113, 114, 128, 134-158 are allowable over prior art.

2. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on Amendment and Terminal Disclaimer filed on August 31, 2006.

As in claims 1, 77, 135 and 136 the prior art of record fails to teach or fairly suggest an optical pickup for reproducing information or recording information having the following features:

(a) a first light source for emitting a first light flux having a first wavelength for reproducing or recording information from or onto a first optical information recording medium having a first transparent;

(b) a second light source for emitting second light flux having a second wavelength for reproducing or recording information from or onto a second optical information recording medium having a second transparent substrate;

(c) a converging optical system comprising a first diffractive portion, and a second diffractive portion farther from the an optical axis of the converging optical system than first diffractive portion;

(d) wherein in case that the first light flux passes through at least a part of the first diffractive portion to generate at least one diffracted ray, an amount of first  $n$ -th ordered diffracted ray of the first light flux is greater than an amount of any other ordered diffracted ray of the first light flux, and in case that the second light flux passes through at least a part of the first diffractive portion to generate at least one diffracted ray, an amount of the second  $n$ -th ordered diffracted ray of the second light flux is great greater than an amount of any other ordered diffracted ray of the second light flux, where  $n$  stands for one integer other than zero, and where the  $n$  of the first  $n$ -th ordered diffracted ray is equal to the  $n$  of the second  $n$ -th ordered diffracted ray;

(e) wherein the converging optical system converges the first  $n$ -th ordered diffracted ray of the first light flux passing through the first diffractive portion and a diffracted ray of the first light flux passing through the second diffractive portion on the first information recording plane of the first optical information recording medium through the first transparent substrate so as to reproduce or record information from or onto the first optical information recording medium; and

(f) wherein the converging optical system converges the second n-th ordered diffracted ray of the second light flux passing through the first diffractive portion on the second information recording plane of the second optical information recording medium through the second transparent substrate so as to reproduce or record information from or onto the second optical information recording medium.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch, can be reached on (57) 272-7589.


The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

  
TAN DINH  
PRIMARY EXAMINER

9/29/06

Kim-Kwok CHU

 9/26/2006  
Examiner AU2627  
September 26, 2006  
(571) 272-7585